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JUN 24 2016

CLERK SUPREME COURT

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:)
PETITION TO AMEND RULE)
34, RULES OF THE)
SUPREME COURT)

Supreme Court No. R-12-0002

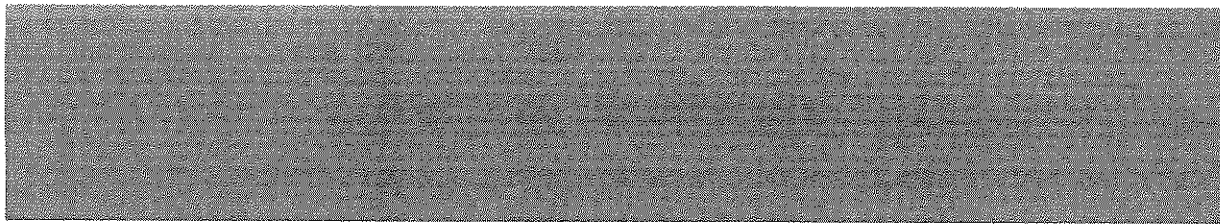
Pursuant to Rule 28, Rules of the Arizona Supreme Court, the Attorney Regulation Advisory Committee (ARC), as ordered by the Court on January 7, 2015, respectfully submits this final report as Exhibit 1, in support of the above-referenced proposed rule amendment.

RESPECTFULLY SUBMITTED this 24th day of June 2016.

By *Lawrence F. Winthrop*
Hon. Lawrence F. Winthrop, Chair
Attorney Regulation Advisory Committee
1501 W. Washington, Phoenix, AZ 85007

EXHIBIT 1

ARC SUPPLEMENTAL REPORT
JUNE 2016



ARC SUPPLEMENTAL REPORT
ON EARLY EXAMINATION
PROJECT

ARC SUPPLEMENTAL REPORT ON THE EARLY EXAMINATION PROJECT

Executive Summary

Arizona's judicial system has been considered innovative by many other jurisdictions across the country. Through the use of well-planned and monitored pilot projects, many successful new court initiatives and programs have been approved after implementation and evaluation. Despite some initial concerns, the launch of the early examination pilot project has been no exception.

From the inception and the first administration of the early testing program with three law students, the program grew rapidly over the following testing cycles.

Input drawn from participant surveys, impressions from law school administrators and passage rates from the last six testing cycles are reviewed on the following pages. ARC believes this information supports the conclusion that the pilot project has proven to be a worthwhile endeavor for students and law schools.

This report, as directed by the Court on January 2015, is respectfully submitted on behalf of the Attorney Regulation Advisory Committee as its supplemental report.

Hon. Lawrence F. Winthrop, Chair
Attorney Regulation Advisory Committee
June 2016

Summary of Pilot Program

In 2012, the state's three law schools submitted a rule change petition, R-12-0002, to amend Rule 34, Rules of the Arizona Supreme Court. The goal and expectation of the proposed rule change was to allow law students, in their third year of school to sit for the bar examination prior to graduation from law school. This unique route to being admitted to practicing law, compared to the traditional path, was based on the premise that students would be capable of testing while in school. Upon achieving a successful examination score, those applicants would be eligible to enter the workforce much earlier, effectively reducing the cost of their legal education and making these students more competitive in the open labor market.

Initially, ARC filed a response in opposition to this project citing concerns of the perception that students will have difficulty in completing the admissions process while attending school, and that studying for the exam would result in poor performance. Additionally, there was concern that, because of limited resources, additional Character and Fitness investigations as a result of this project might delay the admissions process, and that even successful early testing would not guarantee early admission.

Following the Court's initial consideration of the rule petition, the Court asked the law schools to provide additional information about the details of the law schools' plans for implementing the proposal. The Court requested that representatives of the Arizona law schools, the State Bar, and ARC meet to develop a plan to provide this information to the Court for its consideration. This working group met a number of times to consider the Court's questions and the law schools' proposed plans. Based on these discussions, the law schools modified the petition to provide more specific criteria for participants seeking to test early. The law schools also proposed that the Court approve the rule change on an experimental basis to allow the process to be monitored and revisited in three years. ARC considered the proposed revisions and voted to recommend approving the supplemental proposal on an experimental basis.

After considering the modified proposal, on December 10, 2012, the Court adopted the proposed amendments to Rule 34, on an experimental basis from January 1, 2013 through December 31, 2015, and required the law schools and ARC to file regular reports with the court in advance of the end of the pilot project. As a result, ARC was involved in surveying law students and received comments from the law schools regarding the early administration of the program. Some initial challenges were identified with the early testing program, primarily with the way the schools had structured their programs.

ARC SUPPLEMENTAL REPORT ON THE EARLY EXAMINATION PROJECT

Each Arizona law school identified unique methods to address the requirements set forth in the amended rules. For the subsequent survey, students offered strong support for the program and its benefits, which included the ability to seek employment sooner and reduce their financial burden.

The administrative demands associated with the pilot program have been minimal, and staff have worked with law schools regarding communication specific for early testers, and have not encountered significant problems. For the past two years, all three Arizona law schools have strongly endorsed the merits of the pilot project and have urged ARC to support a permanent rule change and retain this early testing option for eligible law students.

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Statistics

The following chart shows that the early testers fared considerably better than the overall average of testers. Additionally, the vast majority of those early testers who submitted their character and fitness reports were ready to be admitted around the same time as graduation, expediting the admission process and making them eligible to enter the workforce immediately. ARC acknowledges the February testing cycle will generally yield the highest number of testers due to the law schools' schedule and requirements.

PASS RATES

	Jul 2013	Feb 2014	Jul 2014	Feb 2015	Jul 2015	Feb 2016
Early Testers	2 ¹	37	2	47	2	29
Pass Rate	100%	89%	50%	84%	50%	72%
Overall Testers Pass Rate	76%	64%	68%	58%	57%	49%
Law School Breakdown						
Arizona Summit		1		1	2	-
Pass rate		100%		100%	50%	
Arizona State University	1	12	1	11	-	4
Pass rate	100%	100%	100%	82%		75%
University of Arizona		24		33	-	24
Pass rate		83%		85%		71%
Florida A&M University			1			
Pass rate			0%			
University of Iowa				1		
Pass rate				100%		
Michigan State University	1					
Pass rate	100%					
Regent University				1		
Pass rate				100%		
Rutgers University						1
Pass rate						100%

¹ Three students tested in July 2013; however, one student did not receive score results due to an inability to produce evidence of graduation.

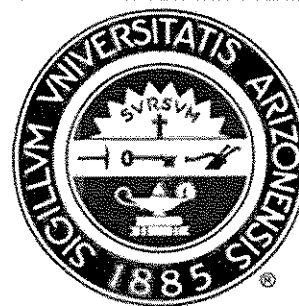
ARC SUPPLEMENTAL REPORT ON THE EARLY EXAMINATION PROJECT

Law School Input

SANDRA DAY O'CONNOR
COLLEGE OF LAW

ARIZONA SUMMIT
LAW SCHOOL

JAMES C. ROGERS
SCHOOL OF LAW



STATEMENTS FROM LAW SCHOOLS/ADMINISTRATION/FACULTY

The following law schools accepted the invitation from ARC to present their perspectives on the status of the pilot program in anticipation of this supplemental report. Representatives from each Arizona law school provided feedback at the September 2015 ARC meeting. The schools addressed participation/pass rates, impressions from students, impact to administration and overall recommendations. These summaries are presented below:

Arizona State University (ASU)

ASU reported that students benefited from participation in the program. Although ASU has a rigorous requirement of completing all but 7 credit hours by the fall of the third year, students who have done so and successfully passed the bar exam, have enjoyed earlier employment opportunities and reduced financial stress. While studying for the bar during their final semester, they were able to subsist on existing loans. Traditionally, additional loans are needed during the post-graduate timeframe for study, testing and awaiting results. Given this process can take at least six months or more until a passing score is achieved, the early testing program offered the opportunity to limit the reliance on additional loans. ASU strongly supports making early testing a permanent option for its students.

ARC SUPPLEMENTAL REPORT ON THE EARLY EXAMINATION PROJECT

Arizona Summit

Arizona Summit has also been a supporter of the early testing concept. Although the school had a limited number of early testers, it successfully partnered with bar preparation vendors to prepare students for the early exam. To expedite the admissions process, Arizona Summit requires participation in an advanced writing course and sitting for the Multistate Professional Responsibility Exam (MPRE), along with early submission of the mandatory character report. Summit supports the availability of early testing as an option for its third year students.

University of Arizona (U of A)

The University of Arizona has been a leading advocate for early testing and strongly encourages the Court to make this a permanent option for law students. The number of U of A students that have taken advantage of this option has significantly increased, and their bar passage rate, through July of 2015, has averaged 85%. U of A also partners with a bar prep program, and offers evaluative testing early in the program. Additionally, faculty work closely with students to assess their readiness as early tester candidates. Students who have participated in the early testing program have been uniformly enthusiastic about the option and the advantage it affords them in being able to successfully compete in the legal labor market.

ARC contacted all three Arizona law schools regarding the Court's order to file supplemental reports and to seek input for inclusion in this report. Only the University of Arizona James E. Rogers College of Law submitted a response. The report, provided as Attachment A, offers full support of the early tester program to become permanent route to the admission process. Please note the discrepancy for the February 2015 exam applicants between the early testers registered from U of A (35) and the statistics chart (33) is due to two applicants who withdrew from the exam.

ARC Early Examinee Final Survey Results

After the June 8, 2016 ARC meeting, a final survey was sent out via email to the early examinees. The survey, replicated original questions, along with the addition of a few new questions. One of the new questions asked early examinees whether, in hindsight, they would test early again or wait until the July exam. 95% of the respondents answered they would do early testing again. 78% of the respondents that were admitted found employment requiring a JD within one month of admission. The results of the survey questions and responses are found in Attachment B.

Final Recommendation

In light of the overwhelming support expressed by the law schools and participating law students, and after thoughtful consideration, ARC encourages the Court to support conversion of this pilot program into a permanent rule change to the admission process.

Statistically, early testing applicants have achieved passing scores at a higher pass rate versus the pass rate of the overall population. These results likely correlate with the efforts made by the law schools to adapt curricula, implement program safeguards to certify eligible students, and assist in creating an effective workload balance for the students' last semester.

Our initial concerns about lack of readiness have proven unfounded and, without any other position expressed to the contrary, ARC recommends that the Supreme Court permanently imbed this option as a viable and advantageous route to admission to the practice of law in Arizona. On balance, this amendment to Rule 34 would be beneficial to young lawyers, the legal community and the public at large.

ARC appreciates the opportunity afforded by this Court to participate in this pilot project and respectfully submits this final report in support of codifying the temporary rule amendments as permanent changes to be incorporated as a testing and admissions option.